

Lives of the great advocates: Edward Carson

David Walbank KC recalls the barrister & politician known as ‘The Father of Northern Ireland’

In this series, I discuss the careers of six of the most famous barristers in English legal history. My first subject was Thomas Erskine, who rose to prominence in the late 18th century (*‘Lives of the great advocates: Thomas Erskine’*, *NLJ*, 18 & 25 April 2025, p22). The next of my ‘great advocates’ was a very different character.

The life of Edward Carson (1854–1935) was marked by contradictions. He was the Dubliner with the lilting Irish brogue, who became a luminary of the Temple in the heart of legal London. The southern Unionist and Anglican, who assumed the leadership of the Presbyterian north. The law officer who flirted with treason and revolution. The quintessential King’s Counsel, more at home at the Bailey than in Whitehall, who came close to the pinnacle of executive power at a time of grave national crisis. The dour, hatchet-faced strongman, who was a hopeless hypochondriac and craved constant reassurance, but late in life entered into a giddily romantic second marriage with a young wife thirty years his junior.

Most notably of all, he was the man of stern unbending principle, who derided the compromises of fellow politicians, only to abandon his own ‘lodestar’ of a united Ireland within the Union and Empire and embrace in its stead a devolved self-government for six of the nine counties of the province of Ulster.

Forensic approach

None of these contradictions, though, calls into question his right to a place in the pantheon of the greats. A flavour of his forensic approach can be gleaned from three of his most sensational trials.

The background to Carson’s defence of the proceedings for criminal libel brought by Oscar Wilde against the Marquess of Queensberry is well known. The Marquess’s third son, Lord Alfred Douglas, had become infatuated with Wilde and Queensbury grew increasingly enraged by the rumours circulating in fashionable London that they were lovers. After a series of provocations, including an attempt to disrupt the first night of *The Importance of Being Earnest*, Queensbury brought matters to a head by leaving a card at Wilde’s club on which he had written: ‘To Oscar Wilde, posing as a sodomite’ [sic].

In the early skirmishes during the trial at the Old Bailey, the artist repeatedly got the better of the lawyer, but Carson gradually gained the upper hand with his relentless questioning about the nature of Wilde’s relations with a succession of grooms, manservants and unemployed youths. What could they possibly have to offer a man like Oscar Wilde? Wilde’s spirit was broken long before Carson, in his speech for the defence, delivered the coup de grace: ‘The wonder is not that the gossip reached Lord Queensberry ... but that, after it was known, this man Wilde should have been tolerated in society in London for the length of time he has.’ Wilde withdrew his case and was then himself arrested and sent for trial. Ahead of him lay social ostracism, hard labour, exile, penury and a tragically early death.

Another of Carson’s causes célèbres was Britain’s answer to the Dreyfus affair, later immortalised on stage and screen in Terence Rattigan’s *The Winslow Boy*. He was briefed on behalf of George Archer-Shee, a 13-year-old Royal Navy cadet wrongly accused of cashing a stolen postal order. Carson had to cross-examine the transparently honest postmistress about her mistaken identification of the miscreant. In this most delicate of forensic exercises, he succeeded so brilliantly that, after years of stubbornly refusing to admit their mistake, the Admiralty finally conceded that the allegation was baseless. The tragic epilogue came only four years later when young Archer-Shee was killed in the First Battle of Ypres.

In defending Standard Newspapers against a libel action brought by Cadbury Bros for an article about their reliance on slave labour, his final question in cross-examination was brutal: ‘Have you formed any estimate of the number of slaves who lost their lives in preparing your cocoa, during those eight years?’ The jury found for the plaintiffs but awarded ‘contemptuous’ damages of one farthing.

Always controversial

Alongside his stellar practice in silk, Carson became one of the leading political figures of his age. He was always controversial. Of Winston Churchill he said: ‘I think W.

Churchill really degrades public life more than anyone of any position in politics, and I doubt if he will ever mature into the kind of serious and reliable politician the majority of people have confidence in.’

During the Irish Home Rule crisis, he turned his back on the rule of law, laid plans for a secessionist provisional government of Ulster and created the 100,000-strong Ulster Volunteer Force, which he armed by gun running. In the Great War, he was one of the ‘triumvirate’, with Lloyd George and Bonar Law, who ousted the then prime minister, Herbert Asquith, and brought direction and drive to the war effort.

Even towards the end of his career, he courted controversy. Upon appointment as a Lord of Appeal in Ordinary, he broke with convention and his maiden speech in the House of Lords was a bitter denunciation of former colleagues. His charge was that, in their secret negotiation of the treaty leading to the foundation of the Irish Free State, they had cravenly surrendered to Sinn Féin and the murderers of the IRA: ‘Of all the men in my experience that I think are the most loathsome it is those who will sell their friends for the purpose of conciliating their enemies.’

According to one of his most readable modern biographers, soubriquets attached to Carson ‘like barnacles to a ship’. To the militant nationalists, he was ‘Coercion Carson’. To the great Tory hostess Lady Londonderry, he was ‘The Solicitor’, an allusion to his first political appointment as Solicitor General of Ireland. To the Ulster Unionists, he was ‘King Carson’. To historians, he is simply ‘The Father of Northern Ireland’.

As an outstanding barrister, his renown is secure. However, it is as the archetypal barrister politician that he has gone down in history. Not for nothing did he receive, two years before his death, the tributes of 40,000 Ulstermen at the unveiling of his statue, which still to this day looms over the approaches to the Parliament buildings at Stormont.

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